

'Walking Bug' Cited In Baker Case Motion

11/2/67 By Richard Harwood
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Edward Bennett Williams made new charges yesterday that Government agents had violated the constitutional rights of his client, Robert G. "Bobby" Baker, by secretly monitoring two conversations in March, 1965.

The Justice Department, in its reply, confirmed that the incidents had occurred.

On March 25, Government agents listened in on a telephone conversation between Baker and Wayne Bromley, a former lobbyist, who is expected to be a principal Government witness in the Baker trial now under way in Federal Court here.

Bromley consented to the eavesdropping, according to both Williams and the Government.

On the following day—March 26—Bromley met with Baker and former Lt. Gov. Clifford Jones of Nevada in a room at the Beverly Wilshire Hotel in Los Angeles.

Their conversation dealt with the grand jury investigation into Baker's affairs, which was then under way, and was overheard by two Government monitors, via a microphone concealed on Bromley's person.

Williams charged that Bromley and the Government further violated Baker's rights when Bromley visited an attorney in Williams' office on June 2, 1965, seeking "advice and information." Williams said Bromley posed as a prospective client when, in fact, he was acting as a "Government agent."

On those grounds, Williams

made a formal motion yesterday asking District Judge Oliver Gasch to dismiss the nine-count criminal indictment under which Baker is now on trial.

The motion was made without the knowledge of the jury sitting on the case and was opposed in a sharply worded reply from Justice Department prosecutor William O. Bittman.

Bittman said it was "so obviously lacking in substance
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Plan for Hoover-Kennedy
showdown on 'bugging' is
given up. Page A8

and merit that it hardly deserves any detailed response."

And he implied very strongly that at least one aspect of the Williams motion was little more than a publicity stunt. This was a reference to Williams's request that the Government produce records of any conversations of Williams and other defense lawyers that may have been "bugged" by the Government.

"This broad allegation," said Bittman, "that the telephone and offices of defendant's attorneys were 'bugged' is so completely without support and without merit that the Government feels perhaps the defendant made it for some ulterior purpose. If it be to generate an avalanche of publicity prejudicial to the Gov-

ernment on the eve of trial, it constitutes an affront to the dignity and integrity of our entire judicial system."

Bittman said the two eavesdropping incidents involving Bromley came about because of Bromley's fear—and the Government's suspicion—that Jones and Baker would attempt to persuade Bromley to perjure himself in testimony to the grand jury that indicted Baker.

"In view of the efforts that were being made to induce Bromley to relate a false version of the (financial) transaction in which Jones, Baker and Bromley were involved," Bittman said, "Bromley's attorney requested, in writing, that the Department of Justice take all necessary steps in order to protect his client. Accordingly, the telephone call by Bromley to Baker was monitored, as was the Los Angeles meeting."

"The former was done by attaching an induction coil to a telephone which Bromley was using and the latter by concealing on Bromley a microphone which transmitted the conversation in which the three men engaged to two outside monitors."

"The substance of that conversation . . . reflects beyond any doubt that Jones had told the grand jury a false version of the transaction in which the conspirators were involved, for which Jones was later indicted, and that both he and Baker were endeavoring to persuade Bromley to tell a similar story if, and when, questioned by the same grand jury."

No Clear Precedents

There is no indication when Judge Gasch will listen to arguments on Williams's motion or how it will be decided. The permissible limits of Government eavesdropping are still being debated by the judiciary and there are no clear precedents for the situation Williams outlined in the Baker case.

His previous effort to have the indictment dismissed because of FBI eavesdropping on Baker was denied in December by Judge Gasch. He ruled that while the government had violated Baker's rights, the information it gathered by eavesdropping had no bearing on the indictment.

Meanwhile, the Baker trial

continues at a fast pace, with 21 witnesses testifying yesterday in connection with Baker's financial transactions.

He is charged with income tax evasion, fraud, conspiracy and larceny. Since the trial opened on Monday, the Government has been trying to establish that he failed to report certain items of income in 1961 and 1962 and that he obtained large sums of cash by fraud from political contributors in the savings and loan industry.

One of the witnesses produced by the Government yesterday was Ralph Hill, the man whose obscure law suit against Baker in 1963 ultimately led to the Senate investigation of Baker's affairs and to his resignation as secretary to the Senate Majority.

Hill was president of Capital Vending Company in 1961 when he met Baker at the University Club and asked Baker's help in getting the contract to supply Melpar, Inc.—an electronics manufacturer in Falls Church—with soft-drink and coffee machines.

"Finder's Fee"

Hill got the contract and, he said, paid Baker \$2250 in cash as a "finder's fee."

Edward Bostick, who was then president of Melpar, followed Hill to the stand, told of getting a call from Baker about Hill, and of giving Hill the vending contract. Bostick said the contract saved his

company money and thereby saved the Government money because Melpar was a Government contractor.

Another witness was Gertrude Novak Taylor, Baker's partner from 1961 to 1963 in the Carousel Motel at Ocean City, Md.

She described the financial and natural misfortunes (including a tidal wave) that afflicted the motel in 1962. She said that as a result she, Baker, and other investors were hard pressed for cash to meet operating expenses and mortgage payments.

Most of this cash, said Mrs. Taylor, was provided in late 1962 by Baker. It was cash in the literal sense of the word—mainly \$100 bills—given to her in amounts ranging from \$2000 to \$18,300, and totaling \$37,300 between November 1962 and January 1963, she said.

She described the scene in Baker's office on Nov. 19, 1962, when she came to collect

the \$18,300. Piles of \$100 bills were on his desk, she said. The late Carole Tyler, Baker's secretary, counted out the necessary money, said Mrs. Taylor, and put the rest in a metal filing cabinet.

Mrs. Taylor said she had no idea where the money came from and never asked Baker about it.